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INVESTIGATIVE NARRATIVE

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE NARRATIVE
IV 2245909

Subject:	**GARZA, Manuel, Sergeant, [redacted]** **Twin Towers Correctional Facility** **Custody Operations Division**
Date:	**June 27 & 28, 2009**
Location:	**Parking lot at 12505 Main Street, Rancho Cucamonga And West Valley Detention Center, San Bernardino County Sheriff's Department**
Investigator:	**Lieutenant Elier Morejon and Lieutenant William Hines**

Case Synopsis:

This case pertains to allegations that Sergeant Manuel Garza violated Policy Sections *3-01/030.05 General Behavior;* and/or *3-01/030.06 Disorderly Conduct;* and/or *3-01/030.10 Obedience to Laws, Regulations and Orders as it relates to D.U.I.;* and/or *3-01/030.15 Conduct Toward Others;* and/or *3-01/030.40 Use of Alcohol;* and/or *3-01/030.85 Derogatory Language;* and/or *3-01/040.85 Cooperation During an Investigation,* when he was involved in a traffic collision and arrested for D. U. I. by deputies of the San Bernardino County Sheriff's Department, Rancho Cucamonga Station, and gave false statements to the officers when he told them that he wasn't driving his vehicle. He became uncooperative, used derogatory language toward the deputies, refused to submit to any field sobriety tests, and refused to submit to a blood/alcohol test. He later continued to be uncooperative with deputies while at the West Valley Detention Center by again refusing to submit to a blood/alcohol test, which subsequently led to the deputies conducting a forced blood draw. While in custody he was disruptive to the operation of the detention center by yelling and using foul language and other derogatory language toward the deputies.

The allegations arose when Subject Garza was drinking inside the "Yard House" in Rancho Cucamonga with his [redacted] and another friend.

All three left the "Yard House" at about 2330 hours. Subject Garza and his [redacted], entered his vehicle which was in the parking lot at the location. Subject Garza was the driver and as he backed out of the parking stall, he collided into another parked car. When the owner of the other car said

he was going to call the police, Subject Garza accused the owner of the parked car of colliding into him (Garza.) Subsequently, deputies from the San Bernardino County Sheriff's Department, Rancho Cucamonga Station arrived and interviewed both parties and witnesses at the scene. Subject Garza argued with the deputies, used foul and derogatory language. He told deputies that the other party had collided into him. He was uncooperative and refused all tests. His [redacted] gave a false name to the deputies telling them that her name was [redacted]

Due to Subject Garza's refusal to submit to any blood/alcohol tests, he was transported to West Valley Detention Center where a forced blood draw was conducted. While in the detention center, Subject Garza continued to be disruptive, yelling and using derogatory language. He refused to sign his citation. He was later released to Captain Anthony Ward. **Refer to Exhibit A, copy of Detailed Call History, Exhibit B, copy of D.U.I. Arrest Report including copies of related documents by the San Bernardino County Sheriff's Department, Rancho Cucamonga Station. Also refer to audio recordings and the transcripts of these audio records of Subject Garza's contact with San Bernardino County Sheriff's Department personnel.**

Subject Manuel Garza was relieved of duty by Captain Anthony Ward on the morning following Subject Garza's release from West Valley Detention Center. **Refer to Miscellaneous Documents**

On June 30, 2009, Chief Dennis Burns requested that an immediate administrative investigation be conducted into these allegations.

On July 2, 2009, Lieutenants Elier Morejon and William Hines interviewed **Deputy** [redacted] San Bernardino County Sheriff's Department, at the Rancho Cucamonga Station. Deputy [redacted] was the arresting officer. He said he recalled the incident involving the arrest of Subject Manuel Garza.

Deputy [redacted] was working unit "11P15" on the night of the incident. He said he received a call for service at the Victoria Gardens Mall regarding a traffic collision. He responded and arrived with Deputy [redacted] They drove to a parking structure where they detained several people who were at the scene. Deputy [redacted] spoke to several individuals, one was the owner of a truck which had been hit by a black BMW driven by a person later identified as Subject Garza. Deputy [redacted] started an investigation into the collision and the disturbance between the parties.

Deputy [redacted] said that during his contact with Subject Garza, he noticed that Garza was extremely intoxicated. He was very unstable, his speech was slurred and he had a strong odor of alcohol emitting from his breath and person. Deputy [redacted] said the vehicles involved in the collision had very little damage. Deputy [redacted] said the driver of the truck was not desirous of a collision report. Deputy [redacted] intent was to take Subject Garza home and leave his vehicle parked in the parking structure. **Refer to Exhibit D, color photo copy depicting damage to Witness** [redacted] **vehicle.**

Deputy [redacted] said that Subject Garza's statement was that the truck backed into his BMW while he was parked. Deputy [redacted] said that Subject Garza's behavior was very unprofessional and uncooperative throughout the entire contact.

Deputy [redacted] gave Subject Garza several opportunities to demonstrate several field sobriety tests, which he refused. Deputy [redacted] admonished Subject Garza regarding the blood, urine or breath sample, which he also refused. Deputy [redacted] explained to Subject Garza that blood would be forced if he did not agree to the test. Deputy [redacted] arrested Subject Garza for drunk driving and drove him to the West Valley Detention Center for booking. Deputy [redacted] said that while at West Valley Detention Facility, a nurse responded and with the assistance of several deputies blood was taken from Subject Garza. Deputy [redacted] said that deputies did not have to use force, but did hold Subject Garza while blood was been taken. Deputy [redacted] said that during the entire incident and while inside the room taking blood, Subject Garza was very uncooperative and cursed saying such things as, "I've been a fucking cop for 22 fucking years, You're fucked up dude."

After the blood draw, Subject Garza was taken inside the facility to be booked. During the booking process Subject Garza again was very uncooperative and would not sign any of the booking paperwork or the release citation. Deputy [redacted] left the West Valley Detention Center and did not have any other contact with Deputy Garza.

> **Investigator's Note:** The Lab Report returned with the blood/alcohol level at 0.23%; however, a note on the report indicated a discrepancy: The subject's name on the blood alcohol envelope was Manuel Garza, but the name on the blood vial was Manuel Garcia. San Bernardino County Sheriff's Department, Scientific Investigation Division, Heather Lassiter explained that the blood vial has an identification number that matched the report and envelope. **Refer to Exhibit C, copy of Lab Report with blood test results of 0.23%**

Near the end of his interview, Deputy [redacted] was asked if he had any important information to add and he said, "I think there's -- there's a lot that happened to describe his actions with words is -- is -- it doesn't do it justice on how he was acting. He -- he -- he was the most belligerent and just uncooperative person I've ever dealt with in the four years that I've -- four plus years that I've been a police officer." **Refer to the Interview transcript of Deputy [redacted] for his complete statement. Also refer to the audio recording and transcript of the recording of Deputy [redacted] contact with Subject Garza included in this case file.**

On July 3, 2009, Lieutenants Elier Morejon and William Hines interviewed San Bernardino County Sheriff's Department Deputies [redacted] and Sergeant [redacted] at the West Valley Detention Center. Each deputy was on duty at the time Subject Garza was in custody and at some point, each had contact with Subject Garza. The following is a summary of their interviews. The complete transcribed interviews are included in this case file.

Deputy [redacted] said he was called out to the Blood Alcohol Room because of a refusal. He arrived and saw an individual (identified as Subject Garza) cuffed and sitting on a chair. He recalled that Subject Garza was very uncooperative and refused to give blood. Subject Garza continually ordered everyone to "call his watch commander." Deputy [redacted] said he and several other deputies held Subject Garza while the nurse took blood from his forearm. Deputy [redacted] said that they did not have to use force in order to hold Subject Garza. He said they held him for safety reasons only.

Deputy [redacted] said that Subject Garza was then brought inside to continue with the booking process. During the process, Subject Garza continued his uncooperative behavior and they were unable to book him at that time. Subject Garza was placed in cell number three, the "drunk tank." During the entire night, Subject Garza used the word, "Fuck and Fucking," toward deputies and supervisors as they walked by the cell. Deputy [redacted] said that he approached the cell several times in an attempt to get Subject Garza to sign the citation and the booking papers. All attempts were unsuccessful. Deputy [redacted] said he had a tape recorder on his belt which he utilized during two of his conversations with Subject Garza. Deputy [redacted] said that at about five in the morning, Subject Garza's captain responded, and finally talked him into signing the citation and finishing the booking process. Deputy [redacted] had no other contact with Subject Garza. **Refer to the audio recordings and transcripts of the recordings included in this case file.**

Deputy [redacted] said the only contact he had with Subject Garza was when he walked to cell number three with Deputy [redacted] and asked Subject Garza to sign the ticket. Deputy [redacted] said, "I recall just a lot of "F" -- "Fuck this, fuck that, you guys are fucking playing games with me. I know the fucking game. I'm not playing your fucking game."

Deputy [redacted] said he contacted Subject Garza while at the Cal-Id machine when he fingerprinted his right thumb. During this time, Subject Garza was very "loud," and told Deputy [redacted] "You guys are a joke," and asked him, "Are you going to beat me up?" Deputy [redacted] heard Subject Garza throughout the night banging on the cell door and asking for someone to call his watch commander. Deputy [redacted] said he saw his sergeant at the cell when he heard Subject Garza tell his sergeant, "I'm a sergeant, you're a sergeant – you guys are a joke." His sergeant immediately walked away.

Deputy [redacted] said he walked to the Blood Alcohol Room where he saw Subject Garza for the first time. Deputy [redacted] said, "They just called me in there and I noticed, he was giving a lot of attitude to people. He kept saying, uhm-- mind my language. 'I've been a sergeant for 22 fucking years.' Stuff like that. He was throwing the 'F' bomb around a lot and pretty much kept saying he was a sergeant. Didn't say where, but he kept saying he was sergeant."

Deputy [redacted] said she was walking near cell number three when she heard banging on the glass and someone yelling. Deputy [redacted] approached the cell and spoke to Subject Garza.

During their conversation, Subject Garza used profanities and was very disrespectful. Deputy [redacted] remembered Subject Garza saying, ""Whatever, you know, fuck you, You're just a chick. You can't help me and if you came into my facility, you wouldn't be treated like this." Deputy [redacted] recorded her entire conversation with Subject Garza. **Refer to the audio recordings and transcripts of the recordings included in this case file.**

Sergeant [redacted] said he was working at the West Valley Detention Facility when his lieutenant told him that a sergeant from Los Angeles County Sheriff's was in custody. His lieutenant told him to get the sergeant's information and contact his work assignment. Sergeant [redacted] said he walked to holding cell number three and asked Subject Garza for a name and number to his watch commander. Subject Garza told him to call Lieutenant Raymond Enriquez. Sergeant [redacted] said he called Twin Towers Correctional Facility and spoke to Lieutenant Enriquez and advised him of the arrest.

Sergeant [redacted] returned to the holding cell and told Subject Garza that he had notified his watch commander. Subject Garza asked Sergeant [redacted] to tell him what his was watch commander had said. Sergeant [redacted] told him that the conversation was "between him and his lieutenant." Sergeant [redacted] said that Subject Garza replied, "You're a fucking asshole and a joke." Sergeant [redacted] said he immediately turned around and walked away, because he did not want to say anything that he "would regret later."

Sergeant [redacted] did not see Subject Garza until later that morning when Garza's captain arrived and talked him into signing the booking paperwork and the ticket so that he could be released.

Sergeant [redacted] provided investigators with a C.D. depicting Subject Garza a portion of the time while inside the holding cell. **Refer to C.D. in front of case file.**

On July 6, 2009, Lieutenants Elier Morejon and William Hines interviewed San Bernardino County Sheriff's Department **Deputy** [redacted] at Rancho Cucamonga Station. She assisted in the arrest of Subject Garza.

Deputy [redacted] said on June 27, 2009, she responded to Victoria Gardens where she assisted Deputy [redacted] on a disturbance call. Deputy [redacted] was working unit "11P34" on the night of the incident. She said she received a call for service at the Victoria Gardens Mall regarding a traffic collision where one of the parties was being uncooperative. She responded and arrived with Deputy [redacted] They drove to a parking structure where she detained an individual, later identified as Subject Garza. Deputy [redacted] detained several other individuals at the scene. Deputy [redacted] asked Subject Garza for his identification, he responded, "You don't need my name, I'm a sergeant with LASO." Deputy [redacted] said that she was trying to be very patient, but she knew she was not going to get anywhere with him when he said, "Fuck you missy, I don't have to do what you tell me, I'm a sergeant." Deputy [redacted] talked to Deputy [redacted] and he started to handle Subject Garza while she went and spoke to the other individuals involved in the disturbance.

Deputy [redacted] said she talked to the female, later identified as [redacted] who was Subject Garza's [redacted]. Deputy [redacted] said that when Ms. [redacted] gave her name, Subject Garza was only about five and a half feet away and should have heard her give the wrong name. Deputy [redacted] said that Ms. [redacted] wanted to speak to Subject Garza during the time they were being detained, but they were not allowed. Ms. [redacted] was also intoxicated as indicated by her not being able to balance herself and from the smell of alcohol.

> **Investigator's Note:** During the investigation, it was discovered that the female with Subject Garza, gave the name of, [redacted] Her actual name was [redacted] The reason she gave Deputy [redacted] a false name was because she has a warrant for her arrest for fifteen thousand dollars for Drunk Driving out of Industry Sheriff's Station. **Refer to Exhibit E, copy of DMV record for [redacted]; Exhibit F, copy of DMV record for [redacted] and Exhibit G, copy of misdemeanor warrant for [redacted] and her criminal record.**

Deputy [redacted] said that they gave Subject Garza opportunities to get in their car so that they could take him home; however, Garza was very uncooperative and continued to curse at them. Deputy [redacted] was asked how many opportunities were given to Subject Garza to get into the car so that they could take him home within the hour period at the scene. She said, "I couldn't tell you. It was non stop for an hour." Deputy [redacted] said that her sergeant, Sergeant [redacted] arrived and ultimately decided that Subject Garza was going to jail. Deputy [redacted] said she heard Subject Garza refuse to take any test that were offered to him by Deputy [redacted]. Deputy [redacted] responded to the West Valley Detention Center where blood was ultimately forced by several intake deputies. She said that Subject Garza did not resist, but he was held by several deputies for their safety. Deputy [redacted] said that before and after the blood draw, Subject Garza continued to curse at everyone present.

Deputy [redacted] said she investigated the traffic collision, but did not write a report because it occurred on private property and no one was desirous of a report. **Refer to the Interview transcript of Deputy [redacted] for her complete statements.**

On July 6, 2009, Lieutenants Elier Morejon and William Hines interviewed San Bernardino County Sheriff's Department **Sergeant** [redacted] at Rancho Cucamonga Station. He was the field supervisor during the arrest of Subject Garza.

Sergeant [redacted] was the watch commander on duty for San Bernardino Sheriffs Department, Rancho Cucamanga Station, on the night of the incident. He said he saw a call on his screen at the Victoria Gardens regarding a drunk and a possible traffic collision. He responded and met with Deputy [redacted] who told him that the call involved an off duty sergeant from Los Angeles County Sheriffs Department. Sergeant [redacted] said that it sounded like it was going to be a possible exchange of information by the parties involved. He said he let his deputies at the scene use their discretion as to the actions they were going to use to handle the call. Sergeant [redacted] left the location.

Sergeant [redacted] continued to monitor the call on his computer. Later, he saw that a confidential license plate had been logged into the computer. He responded back to the scene and was told that Sergeant Garza had been announcing to everyone that he was a sergeant and was being very uncooperative. Sergeant [redacted] said he made a decision that Sergeant Garza was to be placed under arrest for drunk driving. Sergeant [redacted] said that at the time, Subject Garza was seated in the rear of Deputy [redacted] vehicle and a female was seated in the rear of Deputy [redacted] vehicle.

Deputy [redacted] told Sergeant [redacted] that Subject Garza was refusing to provide a blood, urine or breath test. Sergeant [redacted] drove to West Valley Detention Center where he met up with Deputy [redacted] Sergeant [redacted] walked to Deputy [redacted]s vehicle and explained to Subject Garza that in San Bernardino County, if anyone refuses to submit to an alcohol test, then a blood sample would be forced. Subject Garza refused to submit to any test and he wanted someone to call his watch commander.

Sergeant [redacted] said that the nurse took a sample of Subject Garza's blood without incident. He said that Subject Garza did not resist the deputies while the blood sample was being taken. Sergeant [redacted] said after the blood was taken, he left and never had any contact with him again. **Refer to the Interview transcript of Sergeant [redacted] for his complete statements.**

On July 13, 2009, Lieutenant Elier Morejon conducted telephonic interviews with Witnesses [redacted] and [redacted] The following is a summary of their interviews:

Witness [redacted] said that he and witness [redacted] drove to Victoria Gardens and parked in a multi-level parking structure. He said that Witness [redacted] parked his vehicle, exited and started to walk away. Witness [redacted] said that as he reached the rear of their vehicle, he saw a black BMW backing up and drive directly into the rear of their truck. The driver of the BMW, later identified as Subject Garza, got out, and immediately blamed them for backing into his car. Witness [redacted] said that Subject Garza was very intoxicated and "pretty pissed off," saying, "This is bullshit, you guys messed up my brand new car." Witness [redacted] said that Witness [redacted] just wanted to exchange information, but Subject Garza was unwilling to provide any information to them. Witness [redacted] said that during their contact with Subject Garza, he told them several times, "I'm a cop." Witness [redacted] said that San Bernardino Sheriff's Department arrived shortly after and he had no further contact with Subject Garza.

Witness [redacted] said he and his friend, [redacted], drove to the Yard House Restaurant for dinner. At the conclusion of their dinner, they walked to their car which was parked in a multi-level parking structure. As they reached the second floor, they heard a commotion. Witness [redacted] saw two younger individuals and an older gentlemen about six feet apart and arguing. Witness [redacted] said, "It looked like it was going to get physical, a lot of shouting." Witness [redacted] said he and [redacted] walked toward the individuals "just to make their presence known."

Witness [redacted] said that one of the younger individuals told them that the driver of the BMW had backed into their truck and that he was now accusing them of backing into his BMW. Witness [redacted] said that the driver of the BMW was intoxicated, and described him as "stumbling and slurring of words, totally wasted." Witness [redacted] said that the female passenger, who was also intoxicated, continued telling everyone, "He's above the law, no one can touch him." It was at this time that Witness [redacted] said that it was obvious they were not going to resolve anything between them, so he called the police. Witness [redacted] said that deputies from the San Bernardino County Sheriff's Department arrived shortly after, and he had no further contact with anyone.

> **Investigator's Note:** Witness [redacted] called 911. An audio recording of that call is included in the case file. Investigators made several attempts to contact [redacted] but were unsuccessful.

Witness [redacted] said he and his friend, [redacted] drove to the Victoria Gardens and parked their vehicle in a multi-level parking structure. Witness [redacted] said that he parked his truck and exited. He said he exited and stood near the driver's door adjusting his belt and pants when he saw a black BMW, backing from a parking space directly in front of his, toward his truck. Witness [redacted] said the BMW struck the rear of his truck. A male, Hispanic, later identified as Subject Garza, exited the driver's side and a female, Hispanic, later identified as Witness [redacted] exited the passenger's side. Witness [redacted] said he immediately noticed that Subject Garza appeared to be intoxicated because he was, "stumbling and swaying all over the place." Witness [redacted] said Subject Garza continually cursed at him by using, "every variation of the word fuck." Subject Garza also blamed Witness [redacted] several times for backing his truck into his "fucking" BMW.

Witness [redacted] said Subject Garza identified himself as a "cop" several times. As Witness [redacted] exited the car she told Witness [redacted] "Do you know who he is? He is higher than a cop." Witness [redacted] said that Subject Garza was "in his face," most of the time yelling at him. Witness [redacted] said that several witnesses heard Subject Garza yelling profanities. Witness [redacted] said that San Bernardino Sheriff's Department arrived shortly after and he had no further contact with Subject Garza.

> **Investigator's Note:** Witness [redacted] is the son of Los Angeles County Sheriff's Department, Sergeant [redacted]. The vehicle that Subject Garza struck is registered to Sergeant [redacted] who is assigned to Altadena Station.

Witnesses [redacted] all essentially said the following: They were walking through a parking structure toward their vehicle when they saw a male, Hispanic, later identified as Subject Garza, standing near the driver's door of a black BMW, which was parked directly to the right of their car. Witness Nasir said he saw that Subject Garza appeared very

intoxicated, "staggering, off balance." He told his wife, [redacted] and brother, [redacted] of his observations. Soon after, the BMW started to back out of the parking space and backed directly into a pick up truck which was parked directly behind it. Witnesses [redacted] and [redacted] said they both saw the collision.

Witness [redacted] said he saw the BMW backing and then heard a "big bang." Witnesses [redacted] and [redacted] said at the time of the collision, they saw two individuals standing next to the truck, one on the driver's side and one on the passenger's side.

Witness [redacted] said she immediately got out of her car and approached Subject Garza. Witness [redacted] told him, "Sir, you are to drunk to drive." Subject Garza replied, "You tell me why that truck reversed into me." Witness [redacted] said, "Sir that truck did not back into you." Subject Garza replied, "Go get the fuck in your car." Witness [redacted] said she returned to her car and called the police on her cell phone. Witness [redacted] said that as they drove away they made contact with Witness [redacted] and she gave him her name and cell number in case he needed a witness.

> **Investigator's Note:** It was [redacted] that called 911. An audio of the 911 call is included in this case file

On July 13, 2009, Lieutenant Elier Morejon and Lieutenant William Hines conducted a telephonic interview with **Witness** [redacted] Ms. [redacted] is the [redacted] of Subject Garza and was with him at the time of incident.

Witness [redacted] said she and her [redacted] Subject Garza, went to see a comedy show in the City of Ontario. After the show was over, they drove to the Yard House Restaurant located in the Victoria Gardens Mall, "to have a drink, because it was Manny's birthday."

After a few hours at the Yard House, Witness [redacted] Subject Garza and one of Garza's friends, only known to her as [redacted] left, and walked to their vehicle which was parked in a multi-level parking structure. While at the Yard House, Witness [redacted] said Subject Garza only had one beer and a single "shot" before they left. Witness [redacted] and Subject Garza walked to their vehicle and [redacted] walked to his and she never saw [redacted] again.

> **Investigator's Note:** Investigators determined that Subject Garza's friend [redacted] is Sergeant [redacted] He is assigned to the Narcotics Bureau. He was interviewed as part of this investigation and the interview is included in this case file.

Witness [redacted] said that Subject Garza got in his black, BMW, and backed out of the parking stall. As he did, his car struck a truck which was parked directly behind them. When specifically asked why Subject Garza backed into the truck, Witness [redacted] said, "I guess because he was

talking to me and I distracted him." Witness [redacted] said Subject Garza got out of his car walked to the rear of it and then returned and told her that someone was calling the police. Witness [redacted] said the police arrived and she was placed in the rear seat of one of the patrol cars.

Witness [redacted] was asked why she did not drive Subject Garza's vehicle that night. Witness [redacted] said, "He wouldn't let me drive his car, that's his new BMW and I don't have a license." Witness [redacted] said that Subject Garza knew she had a suspended license and he knew the reason that her license was suspended.

> **Investigator's Note:** Witness [redacted] gave the deputies at the scene a false name. She told them that her name was [redacted] During her interview, she acknowledged and admitted that she gave her sister's name. She said the reason she did that was because she was "scared."

Witness [redacted] said that she did not talk to any of the witnesses at the scene and she did not hear Subject Garza curse at anyone at the scene, nor did she hear Subject Garza have any conversation with anyone because she was seated in the rear of the patrol car. **Refer to the Interview transcript of Witness [redacted] for her complete statements.**

On July 14, 2009, **Subject Manuel Garza** was interviewed at the Internal Affairs Bureau by Lieutenants Elier Morejon and William Hines. Subject Garza read and signed the Subject's Admonishment form prior to the interview. Additionally, Subject Garza read and signed the [redacted] Admonishment form. Also present during the interview was Subject Garza's attorney, Donald M. Kelly. The following is a brief summary of the interview. The complete transcribed interview is included in this case file.

Subject Garza said he has been on the Sheriff's Department for approximately twenty-two years. He is a sergeant, currently assigned to Twin Towers Correctional Facility.

Subject Garza said that he recalled the incident in Rancho Cucamonga where he was arrested on June 27, 2009. Subject Garza was asked to give a detailed account of what occurred that evening and he said that he went to a comedy club and, "Show ended probably about 9:30, quarter to 10:00. Went to Victoria Gardens, the Yard House. Stayed there 'til about a little after 11:00. Left, got in my car, backed up into a car, and went to jail."

Regarding what he drank the night of the incident, Subject Garza said that he had at least one beer at the Improv and approximately two to three beers and a shot of Jagermeister at the Yard House. When specifically asked about his level of intoxication, Subject Garza said that he didn't feel intoxicated and felt that he was able to drive, but he knew he was "over the limit."

Regarding what he did when he left the Yard House, Subject Garza said that he walked out with [redacted] and [redacted]. As they reached the parking structure, he and [redacted] separated from [redacted] who walked to his car which was in a different location in the parking structure.

During follow-up questions, Subject Garza acknowledged that he backed into a parked truck in the parking lot of the location. The driver of the truck said that he was going to call the police and Subject Garza said he waited for the police to arrive. Subject Garza did not recall any conversation that he had with the driver of the truck or the witnesses at the scene. He did not recall swearing at anyone at the scene. He talked to the deputies when they arrived and he eventually was transported to West Valley Detention Center. Subject Garza said that he was never told that he was being arrested. He acknowledged that he refused to submit to a chemical test to determine his blood/alcohol content. He said he eventually submitted when he realized that the deputies were going to conduct a forced blood draw on him.

When specifically asked about his cooperation with the deputies, Subject Garza described his conduct as "indifferent." When specifically asked about using derogatory language and swearing at the deputies, Subject Garza said he did not recall using derogatory language or swearing. Subject Garza did admit that he initially refused to sign the citation. Subject Garza did not recall telling the deputies at the scene that he was not driving at the time of the collision and that the other party backed into him.

Regarding his demeanor and cooperation while at the West Valley Detention Center, Subject Garza did not recall swearing or using any derogatory language. He did not recall if the deputies ever had their hands on him.

When asked why he didn't let his [redacted] drive his car, Subject Garza said, "No, no, it's my car and no one drives my car." When asked if he knew if [redacted] had a driver's license, Subject Garza answered, "Yes."

> **Investigator's Note:** During Witness [redacted] interview, she told investigator's that she does not have a driver's license due to a DUI arrest. She also said that Subject Garza knew that she didn't have a driver's license and that he knew the reason. She also said that she didn't know that she had a warrant.

When asked if he heard any conversation between his [redacted] and the deputies at the scene, Subject Garza said that he did not hear any conversation.

> **Investigator's Note:** Near the end of the interview with Subject Garza, investigators played the audio recordings of the contacts he had with the deputies at the scene and at the West Valley Detention Center. **Refer to audio recordings and transcripts included in the case file.** After listening to the audio recordings, Subject Garza was asked additional follow-up questions.

After a review of the audio recordings, Subject Garza acknowledged and admitted that it was his voice in the audio recordings. Subject Garza did admit and acknowledge that he did not consent to the blood draw. Subject Garza acknowledged that after hearing the recordings, he heard his statements where he told the deputies that he wasn't driving and that the other party backed into him. Subject Garza also heard where he swore at the deputies and used derogatory language. Subject Garza said that even after hearing the audio recordings, it did not refresh his memory as to what he said to the deputies during the incident. He did not recall saying the things he said and attributed it to his intoxication level.

When specifically asked, Subject Garza acknowledged that he used swear words and derogatory language during the incident. He also acknowledged and admitted that he was not cooperative and that his conduct was disorderly. Also when specifically asked, Subject Garza admitted and acknowledged that his conduct was unprofessional and an embarrassment to the Department.

At the end of the interview, Subject Garza was asked if he had anything to add, and he said, "I take responsibility for my actions. Obviously, I was wrong. I had too much to drink that night." **Refer to the Interview transcript of Subject Garza for his complete statements.**

On July 28, 2009, Lieutenants Elier Morejon and Lieutenant William Hines interviewed Witness **Sergeant** [redacted] at Lakewood Station. Witness [redacted] read and signed the Witness Admonishment form prior to the interview.

Sergeant [redacted] said that on June 27th he went to a comedy show at the "Improv" with his friend Subject Garza. He said they left the comedy show and each drove their own cars to the "Yard House" in the City of Rancho Cucamonga. Sergeant [redacted] said he arrived at the Yard House sometime later because he got lost. Sergeant [redacted] arrived and parked his car in a parking structure, walked to the Yard House, where he met up with Subject Garza and his [redacted]" While at he Yard House, Sergeant [redacted] said he saw Subject Garza drink two beers and a "shot."

Sergeant [redacted] said they all three left the [redacted] and walked to the parking structure where they split up and walked to their respective cars. Sergeant [redacted] arrived at his car and got in the driver's seat, where he sat for a few minutes talking to his girlfriend on his cell phone. Subject [redacted] said while he was on the phone, he heard a discussion behind him and to his left. Sergeant [redacted] said he backed his car up and started to drive away when he saw Subject Garza standing next to the driver's door of his black, BMW. Sergeant [redacted] stopped his car and asked Subject Garza, "What's wrong." Subject Garza responded, "I had a fender bender." Subject Garza then told him that the "police" where on their way.

Sergeant [redacted] told Subject Garza that if there was no damage to the vehicles and there were no injuries, that they should just exchange information. Subject Garza again told him that the "police" had been called. Sergeant [redacted] said he stayed with Subject Garza for about five minutes, but he and his girlfriend had somewhere to go early in the morning, so he asked Subject Garza if he needed

anything from him. Subject Garza told him that everything was going to be all right and for him to leave. Sergeant [redacted] left the location and did not see Subject Garza again.

Sergeant [redacted] was asked if he thought that Subject Garza was "drunk," and if he was capable of driving a vehicle. Sergeant [redacted] said that Subject Garza did not look like he was drunk, and he felt that he was capable to driving. Sergeant [redacted] said he has seen Subject Garza drunk in the past and he has never let him drive while intoxicated. Sergeant [redacted] said that while at the scene, he never heard Subject Garza cursing or telling anyone that he was a cop.



Leroy D. Baca, Sheriff

County of Los Angeles

Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



August 25, 2009

Sergeant Manuel Garza, #[redacted]

Dear Sergeant Garza:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Sergeant, Item No. 2717A, with this Department, effective the close of business September 16, 2009.

An investigation under File Number IAB 2245909, conducted by Twin Towers Correctional Facility, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior and/or 3-01/030.06, Disorderly Conduct, on or about June 27, 2009, while off duty and intoxicated, you left the Yard House Restaurant in Rancho Cucamonga and while backing out of a parking stall, collided with a parked, unoccupied, vehicle directly behind you. You were subsequently arrested by San Bernardino County Sheriff's Department for 23152(a) and 23152(b) CVC, Driving Under the Influence of Alcohol with a Blood Alcohol Content of .08 or higher. After refusing to submit to field sobriety tests, you were transported to West Valley Detention Center where a forced blood draw was conducted, the results of which were .023%. By your actions, you have brought discredit upon yourself and the Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.85, Derogatory Language; and/or 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.70, False Statements, on or about June 27 and 28, 2009, while off duty and intoxicated, you behaved in such a manner as to bring discredit upon yourself and the Sheriff's Department and/or failed to cooperate with members of the San Bernardino County Sheriff's Department, and/or made false statements to deputies, and/or failed to treat the deputies in a courteous and/or civil and/or respectful manner, and/or used coarse or profane and insulting terms of speech, as evidenced by, but not limited to:

a) telling responding deputies that you were not the one who was driving your vehicle at the time of the collision and/or that the driver of the other vehicle hit you, and/or;

b) refusing to submit to field sobriety tests or chemical blood tests resulting in several deputies having to be present while a nurse took a forced blood sample, and/or;

c) saying to Deputy [redacted] "Fuck you missy, I don't have to do what you tell me, I'm a sergeant," or words to that effect, and/or;

d) while inside the room where your blood was being drawn, cursing and saying such things as, but not limited to, words to the effect of, "I've been a fucking cop for 22 fucking years. You're fucked up dude," and/or;

e) refusing to sign any of the booking paperwork or the release citation, and/or;

f) being described by Deputy [redacted] as being the most belligerent and uncooperative person he had ever dealt with in his career, and/or;

g) while inside a jail cell, constantly using the words, "fuck and/or fucking" toward deputies and supervisors as they walked by your cell, and/or;

h) after Deputy [redacted] tried to get you to sign the release citation, saying such things as, but not limited to, "You guys are fucking playing games with me. I know the fucking game. I'm not playing your fucking game," or words to that effect, and/or;

i) saying to Deputy [redacted] "You guys are a joke," and/or "Are you going to beat me up," and/or, "I'm a sergeant, you guys are a joke," or words to that effect, and/or;

j) saying to Deputy [redacted] "Whatever, you know, fuck you. You're just a chick. You can't help me and if you came into my facility, you wouldn't be treated like this," or words to that effect, and/or;

k) saying to Sergeant [redacted] "You're a fucking asshole and a joke," or words to that effect.

Your actions during this incident are contrary to this Department's Core Values, Mission and Creed, and have caused undue embarrassment to the Sheriff's Department.

In 1997, you received a fifteen (15) day suspension under IAB File Number 010447 for an off-duty incident wherein you were intoxicated inside a friend's vehicle. When officers from Pomona Police Department contacted you and the driver of the vehicle, you were uncooperative and used profanity. When officers asked to see both of your hands, you responded, "Fuck you, I'm not showing you my hands," or words to that effect. You refused to answer the officer's questions and said words to the effect of, "Fuck you. I'm an East L.A. deputy." Morever, you had to be asked several times to exit the vehicle before you complied and a senior officer was requested because of your uncooperative and belligerent attitude. You refused to sit on the curb as directed and were ultimately transported to Pomona Police Department where your attitude remained belligerent and unprofessional, leaving the officers no alternative but to arrest you.

When the Department imposes discipline upon an employee, the purpose of that discipline is to ensure effective and efficient Department operations and adherence to reasonable and acceptable rules of performance and conduct. Disciplining an employee is an impartial step with the intent of correcting the misconduct or poor performance before it becomes more severe or an incorrigible pattern develops. Your failure to correct this conduct and to meet stated or implied standards of performance constitutes grounds for discharge. Your acts of misconduct described in the current investigation under IAB File Number 2245909 not only will result in discharge by themselves, but will also result in your discharge based on progressive discipline.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Dennis Burns on September 14, 2009, at 1300 hours, in his office, which is located at Twin Towers Correctional Facility, 450 Bauchet Street, Los Angeles, Room E-801. If you are unable to appear at the scheduled time and wish to schedule some other time prior to September 14, 2009, for your oral response, please call Chief Burns' secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Burns' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Burns' office by no later than September 14, 2009.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Karyn Mannis

Karyn Mannis, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:lh

c: Advocacy Unit
Employee Relations Unit
Chief Dennis Burns, Custody Operations Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2245909)



SETTLEMENT AGREEMENT

PRELIMINARY STATEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and Manuel Garza, Sergeant, Employee No. [redacted] (hereinafter referred to as "Sergeant Garza").

RECITALS

The Department and Sergeant Garza are interested parties in this dispute and desire to settle any and all matters involving Internal Affairs Bureau's Investigation #2245909. Both parties desire to avoid litigation and any and all administrative process upon the terms and conditions hereinafter set forth.

NOW AND THEREFORE, the Department and Sergeant Garza for and in consideration of the mutual covenants herein, agree as follows:

1. The Department, upon execution of this Agreement, shall reduce the intended discharge to a 30-day suspension which he knowingly and expressly waives his right to appeal. Sergeant Garza agrees that he will abide by all the conditions set forth and contained within this Settlement Agreement. The Letter of Imposition shall contain the same charges as set forth in the Letter of Intent dated August 25, 2009.

2. Both parties agree and understand that Sergeant Garza's records will reflect that a thirty (30) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline".

3. Sergeant Garza understands and agrees that this is a "Last Chance Agreement" to avoid separation from service on the following conditions:

   A. [redacted]

   B. [redacted]

SETTLEMENT AGREEMENT
SERGEANT MANUEL GARZA, [redacted]

C. [redacted] However, the Department shall use its best efforts to schedule Sergeant Garza to [redacted]

D. Sergeant Garza agrees that if he is arrested for any alcohol-related offense and/or becomes the subject of a founded administrative investigation involving violation(s) of the Manual of Policy and Procedures where there is evidence that the consumption of alcohol was the cause, contributed to, or was associated with the policy violation, whether on or off duty, for the remainder of Sergeant Garza's employment with the County of Los Angeles beginning with the final date of this agreement, Sergeant Garza shall be discharged immediately from the Department.

4. In the event that Sergeant Garza is found to be intoxicated in violation of any Penal Code relating to alcohol consumption, he will be deemed to be in breach of this agreement.

5. If the Department determines that Sergeant Garza is intoxicated while on or off duty, Sergeant Garza will be deemed to be in breach of this agreement.

6. Sergeant Garza shall be disciplined, up to and including discharge at the Department's election, if he breaches any terms of this agreement, but shall have the right to appeal said discipline to either Civil Service or to arbitration in accordance with the provisions of the respective Memorandum of Understanding between the parties applicable to him.

7. The parties acknowledge that Sergeant Garza, pursuant to Court conditions, [redacted] which the Court has yet to define. In the event that Sergeant Garza is [redacted] it is understood between the parties that the Court's provisions shall be in substitution to paragraphs 3.B and 3.C of this agreement. [redacted] Sergeant Garza's agreement pursuant to 3.C and 3.D shall be completed, in accordance with this agreement.

8. Sergeant Garza agrees to waive any and all future administrative and/or judicial remedies with respect to the modified discipline and Internal Affairs Bureau Case # 2245909. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission, and any court of law.

9. Sergeant Garza acknowledges and agrees that he has been provided the opportunity

to consult with a labor representative and/or attorney regarding the terms and conditions of this Agreement.

10. The parties further agree that this Settlement shall not be considered, cited or used in future disputes as establishing past precedent or past employment practice. This Agreement resolves the dispute between Sergeant Garza and the Department and is not to be applied to any other facts or disputes.

11. In consideration of the terms and conditions set forth herein, Sergeant Garza agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Sergeant Garza, concerning the subject matter referred herein. Additionally, Sergeant Garza specifically acknowledges that he has not been the subject of discrimination, harassment or retaliation in any form, including, but not limited to, discrimination, harassment, or retaliation based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, or sex, and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known by him.

12. Sergeant Garza further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

13. Each party hereto represents and agrees that he or it has carefully read and fully understands all of the provisions of the Agreement, and that he or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Agreement.

14. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same

instrument. A photocopy or facsimile transmission of the Agreement, including signatures, shall be deemed to constitute evidence of the Agreement having been executed.

instrument. A photocopy or facsimile transmission of the Agreement, including signatures, shall be deemed to constitute evidence of the Agreement having been executed.

15. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

16. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Sergeant Manuel Garza, [redacted] — Date: 11-18-09

As To Form Only:

Richard Shinee, Esq.
GREEN & SHINEE — Date: 11/18/09

For the Department:

DENNIS H. BURNS, CHIEF
CUSTODY OPERATIONS DIVISION — Date: 11-19-09



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

November 19, 2009

Sergeant Manuel Garza, [redacted]

Dear Sergeant Garza:

On August 25, 2009, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2245909. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that pursuant to a settlement agreement dated November 19, 2009, you are suspended without pay from your position of Sergeant, Item No. 2717A, with this Department for a period of thirty (30) days, effective November 20, 2009 through December 19, 2009.

An investigation under File Number IAB 2245909, conducted by Twin Towers Correctional Facility, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior and/or 3-01/030.06, Disorderly Conduct, on or about June 27, 2009, while off duty and intoxicated, you left the Yard House Restaurant in Rancho Cucamonga and while backing out of a parking stall, collided with a parked, unoccupied, vehicle directly behind you. You were subsequently arrested by San Bernardino County Sheriff's Department for 23152(a) and 23152(b) CVC, Driving Under the Influence of Alcohol with a Blood Alcohol

Content of .08 or higher. After refusing to submit to field sobriety tests, you were transported to West Valley Detention Center where a forced blood draw was conducted, the results of which were .023%. By your actions, you have brought discredit upon yourself and the Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/030.85, Derogatory Language; and/or 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.70, False Statements, on or about June 27 and 28, 2009, while off duty and intoxicated, you behaved in such a manner as to bring discredit upon yourself and the Sheriff's Department and/or failed to cooperate with members of the San Bernardino County Sheriff's Department, and/or made false statements to deputies, and/or failed to treat the deputies in a courteous and/or civil and/or respectful manner, and/or used coarse or profane and insulting terms of speech, as evidenced by, but not limited to:

a) telling responding deputies that you were not the one who was driving your vehicle at the time of the collision and/or that the driver of the other vehicle hit you, and/or;

b) refusing to submit to field sobriety tests or chemical blood tests resulting in several deputies having to be present while a nurse took a forced blood sample, and/or;

c) saying to Deputy [redacted] "Fuck you missy, I don't have to do what you tell me, I'm a sergeant," or words to that effect, and/or;

d) while inside the room where your blood was being drawn, cursing and saying such things as, but not limited to, words to the effect of, "I've been a fucking cop for 22 fucking years. You're fucked up dude," and/or;

e) refusing to sign any of the booking paperwork or the release citation, and/or;

f) being described by Deputy [redacted] as being the most belligerent and uncooperative person he had ever dealt with in his career, and/or;

g) while inside a jail cell, constantly using the words, "fuck and/or fucking" toward deputies and supervisors as they walked by your cell, and/or;

h) after Deputy [redacted] tried to get you to sign the release citation, saying such things as, but not limited to, "You guys are fucking playing games with me. I know the fucking game. I'm not playing your fucking game," or words to that effect, and/or;

i) saying to Deputy [redacted] "You guys are a joke," and/or "Are you going to beat me up," and/or, "I'm a sergeant, you guys are a joke," or words to that effect, and/or;

j) saying to Deputy [redacted] "Whatever, you know, fuck you. You're just a chick. You can't help me and if you came into my facility, you wouldn't be treated like this," or words to that effect, and/or;

k) saying to Sergeant [redacted] "You're a fucking asshole and a joke," or words to that effect.

Your actions during this incident are contrary to this Department's Core Values, Mission and Creed, and have caused undue embarrassment to the Sheriff's Department.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Karyn Mannis, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

KM:lh

c: Advocacy Unit
Chief Dennis Burns, Custody Operations Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Twin Towers Correctional Facility/Unit Personnel File